



C.M.S.A(MD)No.40 of 2010

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.S.A(MD)No.40 of 2010

and

M.P(MD)No.1 of 2010

1.Minor.Nagarajan

2.Minor.Navaneethakrishnan

... Appellants/Respondents 1&2/
Claim Petitioners/3rd Parties

*(Minor Petitioners 1 & 2 represented by the
mother, guardian and next friend)*

Vs.

1.Sellammal

... Respondent/Appellant/
1st Respondent/Decree Holder

2.Velusamy Rettiar

... Respondent/3rd Respondent/
Judgment Debtor

PRAYER: Civil Miscellaneous Second Appeal is filed under Order 21 Rule 58 read with 100 of Code of Civil Procedure, to set aside the fair and decreetal order dated 01.12.2009 made in C.M.A.No.4 of 2009 on the file of the District Judge, Karur reversing the fair and decreetal order, dated 05.01.2008 made in E.A.No.62 of 2007 in E.P.No.26 of 2006 in O.S.No.109 of 2003 on the file of the Sub Court, Kulithalai.



WEB COPY



C.M.S.A(MD)No.40 of 2010

For Appellants : Mr.G.Sridharan

For R2 : No Appearance

R1 : Died

JUDGEMENT

The learned counsel appearing for the appellants submits that the respondents 1 and 2 have already passed away and the appellants have not responded to implead the legal heirs of those respondents. Therefore, the Civil Miscellaneous Second Appeal stands dismissed as abated. No costs. Consequently, connected Miscellaneous Petition is closed.

24.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

gbg

To

1.The Sub Court,
Kulithalai.

2.The District Judge,
Karur.



WEB COPY



C.M.S.A(MD)No.40 of 2010

3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.S.A(MD)No.40 of 2010

R.VIJAYAKUMAR ,J.

gbg

Judgment made in
C.M.S.A(MD)No.40 of 2010

24.03.2023